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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/838,959      | 04/19/2001  | John M. White        | 5401/CMP/RKK        | 1670             |

32588 7590 10/08/2003

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SANTA CLARA, CA 95050

|          |
|----------|
| EXAMINER |
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SNIDER, THERESA T

|          |              |
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| ART UNIT | PAPER NUMBER |
|----------|--------------|

1744

DATE MAILED: 10/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/838,959

Applicant(s)

WHITE ET AL.

Examiner

Theresa T. Snider

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-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 16 September 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 26-28 is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 April 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2-3,5.
- ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "88" has been used to designate both flexible coupling(page 7, line 27) and flexure(page 8, line 33). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-2, 6-7, 10 and 13 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Larkin.

Larkin discloses a mounting member (fig. 1, #28).

Larkin discloses a bearing secured to the mounting member (fig. 3, #26).

Larkin discloses a brush support rotatably mounted on the bearing with a contact surface having a spherical profile (fig. 3, #20,22).

With respect to claims 2, 7 and 13, Larkin discloses the contact surface having a concave shape to mate with a convex portion of the mounting support (fig. 3, #22).

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With respect to claim 6, Larkin discloses a mandrel with a generally cylindrical body (fig. 3, #12). Larkin discloses an end adapted to couple to a mounting support (fig. 3, end near #22). Larkin discloses the end including a contact surface having a spherical profile to contact the mounting support (fig. 3, unnumbered element surrounding #22).

With respect to claim 10, Larkin discloses a brush assembly (fig. 3, #16).

### *Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later

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invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 3, 8, 14-15 and 18-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Larkin.

Larkin discloses a similar mandrel however fails to disclose the mandrel having a convex profile and the mounting support having a concave profile and a second mounting assembly similar to the first mounting assembly.

With respect to claims 3, 8, 14, 19-20 and 23-24, it would have been obvious to one of ordinary skill in the art to provide the convex profile on the brush assembly/mandrel and the concave profile on the mounting support of Larkin, since it has been held that a mere reversal of the essential working parts of a device involves only routine skill in the art.

With respect to claims 15 and 21, Larkin discloses a second mounting assembly (fig. 3, #18). It would have been obvious to one of ordinary skill in the art to construct the second mounting assembly, similar to the first mounting assembly, to allow for removal and flexibility from either end.

With respect to claims 18 and 22, Larkin discloses the contact surface having a concave shape to mate with a convex portion of the mounting support (fig. 3, #22).

8. Claims 4, 11 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Larkin as applied to claims 1 and 10 above, and further in view of Keller, Sr..

Larkin discloses a similar mandrel however fails to disclose a spring mounted in the mounting assembly.

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Keller, Sr. discloses a brush mounting assembly having a spring mounted therein for biasing against a brush assembly (fig.1, #35). It would have been obvious to one of ordinary skill in the art to provide the spring of Keller, Sr. in Larkin to allow for ease in releasing the mandrel from the mounting support.

9. Claims 9, 12, 17 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Larkin as applied to claims 6, 10 and 21 above, and further in view of Walz et al..

Larkin discloses a similar mandrel however fails to disclose a spring mounted in the body.

Walz et al. discloses a cylindrical body having a spring mounted therein for biasing against a mounting support (fig.1, #11). It would have been obvious to one of ordinary skill in the art to provide the spring of Walz et al. in Larkin to allow for ease in releasing the mandrel from the mounting support.

#### *Allowable Subject Matter*

10. Claims 26-28 are allowed.
11. Claim 5 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
12. The following is a statement of reasons for the indication of allowable subject matter: the prior art discloses a mounting assembly with amounting member, a bearing secured to the mounting member and a brush support with an outer end having a contact surface with a

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spherical profile HOWEVER fails to disclose or fairly suggest the outer end including an extension member that extends outwardly beyond the contact surface and is adapted to limit rotational motion of the outer end. The prior art discloses a mounting assembly with a bearing, a brush support rotatably mounted on the bearing and a flexure HOWEVER fails to disclose or fairly suggest the flexure adapted to flexibly mount the bearing to a mounting member.

### *Conclusion*

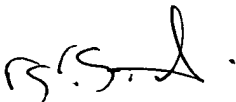
13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Clark discloses the ability of a shaft to move within a mounting through the use of clearances between the elements. Cartellone discloses a brush mounting assembly with convex and concave mating surfaces.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Theresa T. Snider whose telephone number is (703) 305-0554. The examiner can normally be reached on Monday-Wednesday-Friday (6:30AM-3:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert J. Warden can be reached on (703) 308-2920. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

TTS



Theresa T. Snider  
Primary Examiner  
Art Unit 1744